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COMMITTEE ON THE ELIMINATION OF
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Agenda item 7

ADOPTION OF THE REPORT

Addendum

Czechoslovakia

1. The Committee considered the second periodic report of Czechoslovakia (CEDAW/C/13/Add.25) at its 199th meeting, on 27 January 1992. The list relating to that report contains the following questions.

General observations

The second periodic report was prepared before constitutional changes, and may not accurately reflect the current situation.

The report contains detailed answers to the questions put by the Committee on the initial report, which is useful. But it does not clearly address the changes, which have occurred under specific headings and articles. To this extent it does not comply with the guidelines of the Committee.

Areas of progress

There were significant constitutional changes in 1989. There appears to be continuing commitment to the principle of equality, and the changes may in the long run lead to greater opportunities for democratic participation by women.

Difficulties still encountered

It is uncertain how the new constitutional changes will affect the status of women in areas such as work, family responsibility, etc. Women now have a lower level of political participation than before.

There are reports that the system of funding child care have changed, and that this may mean fewer places and higher costs.

Women's earnings are still much lower than those of men, and the workforce is still segregated, so that there are few women in technical vocations.

Studies on time use show that women still bear the greatest burden of domestic work.

There have been changes in the abortion law, but it is uncertain whether adequate provision has been made for access to information and services about contraception.

Articles 1-4

1. The new Constitution is said to guarantee equality and to provide equal access to the courts. Are there specific anti-discrimination laws under which women can have recourse to courts in case of alleged violation of rights, to complain of discrimination?

2. What remedies and enforcement mechanisms are available, and what kind of decisions have been made?

3. How have the constitutional changes of the last two years affected women in political participation, and in other areas, such as work and family responsibility?

4. To what extent have women been involved in drafting the new Constitution?

5. What women's organizations were active in supporting the new Constitution?

6. What are the respective roles of the Federal Ministry of Labour and Social Affairs and of the Government Committee on Women in implementing the Convention?

7. What are their sizes and their budget?

8. Which organization is responsible for preparing the current report, and for disseminating information about the Convention and the work of CEDAW?

9. What have been the effects of the work of the Governmental Committee on Women in improving the situation of women?

10. What national machinery for the advancement of women has been established as a result of constitutional change?

11. What governmental departments or agencies are responsible for implementing programmes related to the status of women and equality of women?

12. Was reference made to the recommendations of the CEDAW Committee in preparing the report?

13. Which women's organizations were consulted in preparing the report?

14. How many organizations are there and what is their membership?

Article 5

1. What is the new family policy?

2. Does it encourage women to return to traditional family roles?

3. What measures are there to combat stereotyped images and stereotyped roles of men and women?

4. What measures have been taken to ensure that fathers take part in child rearing, and that domestic work is shared on an equal basis?

5. Which agency is responsible for taking these measures?

Violence against women (articles 2, 5, 11, 12 and 16)

Violence against women is not identified as an issue needing special attention. It is treated as an offence under the general criminal law. Is it planned to introduce special laws and protective measures for women?

Articles 7 and 8

1. The number of women in Parliament and in the ministry appears to have been reduced from 10 per cent in 1987 to 6 per cent in 1990. There are no women in ministerial positions. What measures are being taken to encourage greater participation, e.g., temporary special measures?

2. What new democratic women's organizations are emerging?

3. Are women active in political parties, in trade unions and other political organizations?

4. When the initial report was presented, it was mentioned that there were plans to integate more women in diplomatic courses. What have been the effects of this, and how many women have been recruited and promoted?

Article 10

1. The initial report mentions the high proportion of women in higher education and in the professions. It also referred to special provisions for working women and mothers to study. While women have access to higher education and to the professions, few women undergo vocational training in the technical areas. Are there measures to change this and to ensure that women have full and equal opportunity in all fields of employment?

2. Although many women are training and being educated for the professions, few achieve leadership roles, e.g., professorships, political leadership. What is the reason?

3. What is being done to ensure that the best use is made of women's skills, talents and education?

4. Are there any groups, such as gypsies, migrants, the disabled, who do not have equal access to education?

5. What special programmes are there for the education of disadvantaged groups of women?

Article 11

1. It was said in the initial report that women's wages were lower, because they performed less skilled work. The information is that women's earnings are 69 per cent of men's. It was also recognized that women's special skills, e.g., dexterity, were not always reflected in pay, and that men's greater mobility enabled them to earn more in construction. What is being done to implement the Committee's recommendation on equal pay and job evaluation?

2. What is the current rate of unemployment for women, and is it disproportionate to men's unemployment?

3. Are any age groups especially affected by unemployment?

4. Are many women discouraged from entering the employment market, because of lack of skills training and child care?

5. What plans are there to end segregation in the labour market, and to eliminate distinctions, which preclude women from certain sectors?

6. How many women take parental leave compared with men and for what average period?

7. Is it intended to make better provisions for workers with family responsibilities by extending parental leave to fathers?

8. What is the present position about funding nurseries for working parents? Can all women who need to do so have access to such nurseries?

9. The report states that International Labour Organisation (ILO) Convention 89 on night work and other provisions prohibiting certain work for women are to be reviewed in 1988. What jobs are prohibited for women; is this in accordance with the ILO Convention?

10. Are women entitled to the same social benefits as under the previous Government? Do they get benefits as individuals or as dependants?

11. What social benefits are available to women who are not employed?

12. How many women work in the informal sector?

13. What kind of activities do they carry out?

14. What are their working conditions and social benefits?

15. The second periodic report identifies lack of leisure for women as a problem; what further action is planned to overcome this?

Article 12

1. How will unemployed women be affected by changes in the funding of health care, under which employers are to bear a portion of the cost?

2. Cases of AIDS have been reported. What preventive and educational measures are being taken especially directed to women?

Fertility, contraception, abortion

3. The report mentions a national family policy. Could information be provided about this?

4. There have been moves to alter the abortion laws and to reduce the high number of abortions. Have adequate provisions been made for sex education and family planning and contraception to offset the greater difficulty and cost of abortion?

5. Have these measures had any effect on the fertility rate?

Article 16

1. In the initial report it was said that the property of husband and wife is shared equally on divorce, and that women's domestic contribution was given equal value. Could examples of court decisions be given to illustrate this?

2. Are there any studies to evaluate the value of women's unpaid domestic work?

Replies of the Government of Czechoslovakia

2. In her introductory statement, the representative of the Government stated that since the submission of the report currently before the Committee, in July 1989, revolutionary political and social changes had taken place in her country. A pluralistic democracy, based on the freedom of each individual and the realistic implementation of his or her rights, had replaced the old regime after its collapse in November 1989. Free elections had been held in June 1990 and the economy was being transformed into a free-market economy. She would therefore present the Committee with the assessment of her Government concerning the second periodic report submitted in July 1989; she would describe developments that had taken place since the November 1989 revolution; and she would inform the Committee of the policy of the Government regarding the solution of problems of equal rights of women in the future.

3. She stated that the report before the Committee did not reflect the basically new situation in her country, but was based on the concept of centrally directed management in all spheres of society, including the issue of equal rights of women. This concept had led to optimistic programmes, such as, inter alia, the full employment of women. For ideological reasons, however, in practice women's problems had not been dealt with systematically by the old regime, except in certain areas such as the right to work and social security, and quotas on women's participation in political life. She stated that this had also led to the detrimentally excessive feminization of some branches, such as education. She went on to state that the data that had been provided in the report did not reflect the optimistic spirit of the text, and a more complex and objective view of the situation of women in Czechoslovakia would be presented to the Committee in the third periodic report, to be submitted by the end of the year.

4. The representative said that the new developments which had taken place in 1990 and 1991 had occurred with regard to the equal human rights for all citizens; they referred to equality-oriented legislation, abandoning a paternalistic approach to women and families; they referred to the social and economic spheres; and they referred to institutional guarantees. The Federal Ministry of Control had been entrusted with initiating, conceptualizing and coordinating a new approach for dealing with problems concerning the equal status of women. The Convention on the Elimination of All Forms of Discrimination against Women and the Nairobi Forward-looking Strategies, both of which were little known by government officials and the public alike, would form cornerstones in this regard. Another element was the understanding of the new Government and non-governmental organizations (NGOs) that true equality of women must go hand in hand with the creation of political, social, health, cultural, educational and ecological conditions for comprehensive social development. She added that it was generally accepted by her Government that the social shocks of transition were affecting women much more than men.

5. She went on to state that the transformation of the economy and the uprooting of past patterns of social behaviour were giving rise to social uncertainties and to a temporary real decline of the standard of living, leading to expected or already existing crisis situations. The permanent attention of governmental and representative bodies will be required to integrate questions of women's equality into this complicated atmosphere.

6. In order to address these issues, the Government had adopted in February 1991 a document entitled "Principles of the policy of the government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", resolution No. 120/91. That resolution contained the basic principles which constituted the right framework for facing the concrete needs of the woman in her country. The principles had been drawn from the experience of other countries, from the work of the United Nations Commission on the Status of Women, from international events, as well as from the constitutional law on the bill of fundamental human rights and freedoms, and the Convention on the Rights of the Child, which had been ratified by her Government. The adoption of these principles was preceded by a broad discussion and the participation of various ministries and institutions, both at the level of the Federation and of the two Republics. Initiatives of women's organizations set up after the dissolution of the former united Czechoslovak Union of Women had also been taken into account. The principles define the basic orientation of the policy of the Governments of the Federation, and of the two Republics, in legislation, in the orientations in the socio-economic field, on safety at work, on health insurance, issues on the participation of women in the management of society, in education (including research work) and with regard to institutions. The representatives said that the principles did not yet embody, in a concrete form, necessary national (republic) mechanisms, as recommended by the Commission on the Status of Women. She explained that the principles were to be translated into concrete measures in 1992 and 1993 on the basis of a document already submitted for debate in the Government. The document addressed the issue of competence of the federal and the republic level. It further dealt with activities in conjunction with the International Year of the Family and with the Fourth World Conference on Women in 1995, which her Government was interested in hosting. She stated that the complex of measures remained however an open document that would be widely discussed with political parties and non-governmental organizations and would be updated accordingly. She said that matters of equal status of men and women were expected to be reflected also in the upcoming pre-election period and the election in June 1992, in particular since women's representation in political bodies was extremely insufficient.

7. The representative then proceeded to provide answers to the questions raised by the pre-session working group.

8. Concerning articles 1 to 4, she informed the Committee that no specific anti-discrimination laws had been introduced in the legal system, nor did the draft of the new Constitution contain such a law. She said that no discriminatory laws existed in the legal system, but this did not mean that

there was no discrimination de facto. She pointed to two major constitutional changes, the first being the abolition of the leading role of the Communist Party of Czechoslovakia, which implied the loss of power of affiliated organizations, such as the Union of Czechoslovak Women. Since no new women's organizations had been formed prior to the 1989 election, there was no organizational support for women. The second major constitutional change was the adoption of the Charter of Basic Human Rights and Freedoms as an integral part of the Constitution, which guaranteed to women an equal position in society. A new Constitution was currently being drafted, and women members of Parliament participated in it. The coordination of women's questions in that process would be the responsibility of the Deputy Prime Minister and the Minister of Control. The representative stated that up to September 1990 activities regarding women's rights had been coordinated by the Ministry of Labour and Social Affairs. That was now entrusted to the Deputy Prime Minister. Co-responsibility was assigned to the Minister of Control for working out the policy of the Government in the field of implementation of women's rights, and for the preparation of concrete measures. The (woman) Minister is the coordinator of all future aims relating to the further State policy towards women. The representative said that resolution No. 120/91 on the "Principles of the policy of the Government of the Czech and Slovak Federal Republic in the sphere of implementation of the rights of women", referred to above, implied that a federal committee responsible for the issues of women and families was not going to be established for the time being. She gave as the reason that at the federal level there was a competence just in the field of human rights, but that the establishment of such an institution was under consideration. She said that no concrete responsibility had yet been set up in the Czech Republic, and that the Slovak Republic had already set up a Governmental Committee on the Woman and the Child. Its activities were only just beginning, and no details were yet available. It functioned as a coordinating body of the Government and of NGOs on the basis of honorary membership. The establishment of relevant commissions was under way in the Federal Assembly, the Slovak Republic and the Czech Republic. The representative then referred to a list of tasks within the competence of federal bodies. Since the report before the Committee had been prepared by the old regime, no information on procedures and participation concerning its preparation were available. The representative informed the Committee that 14 women's organizations were registered in Czechoslovakia with varying membership.

9. On article 5, the representative first referred to the above-mentioned principles. As to whether the current policy encouraged women to return to traditional family roles, she stated that the new family policy was supposed to have exactly the opposite influence, but that the market economy system might have such an influence, first of all because of unemployment. Statistics showed that more than 50 per cent of the unemployed were women. She said that the number of single-income households in the traditional pattern would grow. She added that as that might be at the moment the image of "successful people", it might become a sort of fashion. No data referring to the matter were yet available. She stated that both sexes received the same education, but since the imperative role of the State regarding education

was gone, "girl schools" or "family schools" were emerging. They seemed to be a big success and, according to the representative, proved that 40 years of egalitarian education had not changed fully the stereotyped images of men and women. Parental leave and allowance were accorded under the same rules to both parents, but it seemed that specific education was needed in order that fathers also would be willing to use the parental leave.

10. On violence against women, she stated that unfortunately it was not planned to introduce special laws and protective measures.

11. With regard to articles 7 and 8, she said that there were approximately 10 per cent women members in the three parliaments, and that the speaker of the Czech Parliament was a woman. Each of the three Governments had one woman minister. The representative said that it was currently not possible to use temporary special measures, as they had been used by the previous regime and were thus currently very unpopular. She mentioned the Zonta Organization and the Organization of Women Entrepreneurs as emerging organizations, and the restructuring of the old Union of Czechoslovak Women. Currently, 14 women's organizations were registered. No details on their work were yet available. Information on women's activities in political parties, etc., would be provided in the third periodic report. She added that currently there were six women ambassadors out of a total of 65 (9.2 per cent). They served in such important posts as the United States of America, Austria and Australia. The diplomatic corps had 19 women members out of 400 (appr. 5 per cent). Women in the three parliaments accounted for between 8 and 12 per cent, and women heads of departments accounted for between 10 and 60 per cent. In the Ministry of Foreign Affairs, for example, 5 directors of departments were women (16.7 per cent). In the Czech Ministry of Privatization, 60 per cent of the leading positions were held by women.

12. Concerning article 10, the representative explained that the old Communist regime had sent men into the production process as soon as possible, which left a higher percentage of women in higher education. That phenomenon was now disappearing. Reasons for the low numbers of women in technical areas included hard physical labour and the past underestimation of intellectual work and higher salaries in technical fields which attracted men and made areas such as education (where feminization is 71.3 per cent), medicine, justice, science, state departments, etc., less attractive to men. Those areas were more flexible than the production sphere and thereby more attractive to women. On other questions, she referred to the traditional division of family responsibilities. In some 90 per cent of all couples, the wife took maternity leave. Most women did not return to their previous posts because they could not assume the dual responsibility of full-time parenting and full-time employment. Under the socialist system, cheap and universally accessible child care had existed, but it was of low quality. The new market economy seemed to improve the quality, but it was becoming finacially inaccessible for many. As the number of single-income families was likely to increase, most likely the income would be the husband's. The general population welcomed this new development, and women saw it as the "freedom to choose", since that way of life had been inaccessible in the past. On another

question the representative replied that although de jure an equal right to education existed, the gypsies received a much lower level of education. Efforts were under way to remedy this. Efforts were also under way to integrate disabled students into regular classes.

13. With regard to article 11, the representative stated that no concrete measures had been adopted. Legislative measures guaranteed the right to equal wages, but problems arose in its implementation. Of the total number of unemployed, 55 to 65 per cent were women, with the highest proportion in Prague. Unemployment affected mainly graduates, and tax measures sought to stimulate their employment. More than 80 per cent of the women in the productive years were employed. The transition to a market economy was changing that percentage. An evaluation of measures taken in that regard would be presented in the third periodic report. Remuneration was based on a wage scale which was unfavourable to women. The criteria that defined the exacting character of the labour and established that hard physical labour was better paid still held true in the State enterprises. No data on private enterprises were available. Parental leave had been extended to fathers in 1987, but fathers using it were still the exception as society considered it unusual, strange and even humiliating for men. A new law was currently in effect concerning maternity allowance, establishing that both parents were entitled to it for the first three years of the child's life. Currently, the allowance amounted to 900 Koruny per month. This was in line with the new family policy, but the social climate still needed to be changed in order to provide both partners the same opportunities to choose. Many nurseries had had to close down, and the situation was in flux. Data might become available later in the year. The Government was ready to submit ILO Convention No. 89 to Parliament for ratification. The new Labour Code, which should be in force by 1 January 1993, should satisfy the provisions of that Convention. Nothing had changed with regard to social benefits. Women were treated as individuals with certain exceptions (soldiers' wives can benefit from a special allowance). Unemployed women were treated in the same way as men. Concerning the informal sector, she stated that it had not existed in the socialist economy, except for the black market. Services provided by women had included cleaning, babysitting, sewing, gardening and the selling of products. The private sector had appeared only two years ago. It was currently very difficult even to classify the informal sector.

14. In respect of article 12, she stated that the participation of clients in the costs of health care services was not being considered for the next year. Complete coverage was still provided by the State. More details would be provided in the third periodic report. Information on AIDS should be provided in schools. An AIDS prevention information campaign had also recently been started by the Ministry of Health Care. No measures specifically addressed to women had been taken. As of November 1991, there had been 25 cases of AIDS, and 128 cases of HIV-positives, among them 9 women. The national family policy referred basically to parental leave and allowances, tax policy and social security measures. More information would be presented in the third periodic report. Contraceptive means had become more accessible in terms of availability, not in terms of affordability. The fertility rate had been stable for the last five years.

15. Concerning article 16, the representative stated that upon divorce, the allowance to be paid by the parent who did not take the children consisted of two parts, namely for the aliment and education of the children, and for the care itself. Property acquired during marriage was divided equally upon divorce. No studies had been conducted to evaluate the value of unpaid domestic work.

16. Members of the Committee congratulated the representative on the candid comments and thanked her for the frank, clear and very informative answers and remarks provided. They wished her success in her future endeavours.

17. Members then asked a number of additional questions. One member asked how the Government assessed the major qualitative changes of recent years, and whether they had helped women. She inquired about the tendency of divorce rates and also recommended that the Government should assess the role of women's organizations in the changing society. Many members referred to the lack of a national machinery for women. It was said that such machinery was very much needed, also to avoid the danger of a backlash in women's role and status, which, it was feared, was emerging in areas such as part-time work, or with women staying at home, and dangers that might stem from the new family policy. It was said that national machinery for women, not for women and the family, was absolutely necessary, and the representative was wholeheartedly advised that there was a need for such machinery. One expert suggested that the women's movement could be the basis for such machinery and that it should have channels to reach the authorities and those in power, so as to have proper influence on the decision-making process. It was also noted that women seemed to be seen as part of the family, which was considered to be a basic conceptual problem. Women were beings in their own right, it was said, and the family was only one part of their being. A choice had to be made whether to see men and women as individuals or as members of families. That choice had repercussions on tax, employment and social security policies. The representative was advised to recognize men and women as individuals, because the move away from the family concept and towards the individual was very difficult; her country had the chance to start afresh. She was also advised to introduce equality officers in unemployment agencies to break through tradition and to overcome stereotypical thinking. It was further pointed out that without the establishment of quotas or numerical goals it was very difficult for women to obtain their fair share. One expert noticed a passive attitude on the part of women and the authorities in dealing with issues. She referred to the existence of 14 women's organizations and to the lack of clarity regarding their programmes, as well as to the absence of a definition of discrimination in the law.

18. With women's professional future in danger due to the changing economy, one expert wondered why they were not getting organized. It was also asked what kind of collaborative retraining efforts were under way for women who were losing their jobs in the transitional economy. The question was raised whether women were aware, and able to take advantage, of the emerging market economy: could they become businesswomen? Was there enough government support? Were they ready to take the initiative in the small and medium-sized

enterprise sector? Concern was expressed on the closing of nurseries and the impact that had on working women, in particular also regarding young women and their career possibilities. Clarification was sought on the informal sector. It was conceded that it was not easy to deal with a situation of transition, where not all the answers were in yet. One had to face the fact that transition affected women in particular. How did the government plan to assist women in that difficult situation?

19. It was asked whether there had been an increase in prostitution. Members requested clarification on the legality of abortion. The question was also raised as to who prescribed contraceptives, whether they were free and how women obtained access to contraceptive means. Several experts reminded the representative of their concern on the issue of violence against women. It was asked whether forced sterilization of gypsies occurred. Clarification was sought on the role and functions of the Ministry of Control.

20. The representative stated that women in her country did not know what problems they were facing. There was no pressure from society to take certain steps. Problems were many and manyfold. She thanked the members for all their comments.